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Attorneys for Certain Kincade (2019) claimants

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

** All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

**LIMITED
OBJECTION/CLARIFICATION
TO PLAN OF REORGANIZATION
[Docket No. 6320]**

Date: May 27, 2020

Time: 10:00 a.m. (PST)

Place: United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

Judge: The Hon. Dennis Montali

Hansen & Miller represents several victims of the Kincade Fire which took place in
November of 2019 in Sonoma and Lake Counties. Out of an abundance of caution,
approximately 30 proofs of claims were filed with Prime Clerk for these Kincade Fire

LIMITED OBJECTION/CLARIFICATION TO PLAN OF REORGANIZATION - 1

1 victims before the December 2019 claims deadline. The plan contains language stating the
2 Kincade claims are preserved for resolution by the 'new' PG&E and remain liabilities of the
3 reorganized company.
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5 However, the plan also contains broad language in the channeling injunction which
6 states:

7 "Section 10.7 – Channeling Injunction.

8 **(a) The sole source of recovery for holders of Subrogation Wildfire Claims and Fire**

9 **Victim Claims shall be from the Subrogation Wildfire Trust and the Fire Victim**

10 **Trust**, as applicable. The holders of such Claims shall have no recourse to or Claims
11 whatsoever against the Reorganized Debtors or their assets and properties. Consistent with
12 the foregoing, all Persons that have held or asserted, or that hold or assert any Subrogation
13 Wildfire Claim or Fire Victim Claim shall be permanently and forever stayed, restrained, and
14 enjoined from taking any action for the purpose of directly or indirectly collecting,
15 recovering, or receiving payments, satisfaction, or recovery from any Reorganized Debtor or
16 its assets and properties with respect to any Fire Claims, including all of the following
17 actions:
18

19
20 (i) commencing, conducting, or continuing,"
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22 Because a handful of Kincade Fire clients have "Fire Victim Claims" on file in this
23 action, there is an inconsistency which needs to be clarified. The Court should rule that the
24 channeling injunction **does not apply** to Kincade Fire losses (a 2019 Fire) or otherwise
25 clarify the plan to resolve the inconsistency.

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LIMITED OBJECTION/CLARIFICATION TO PLAN OF REORGANIZATION - 2

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2 Dated this 15TH day of May 2020
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7 Roy E. Miller, Esq.
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LIMITED OBJECTION/CLARIFICATION TO PLAN OF REORGANIZATION - 3